

Enacted 12 Geo. I. Public Acts

C. 25-

A BILL to enable the present and future Inhabitants of the East, North, and West Sides or Lines of St. James's Square, to make a Rate on themselves, for raising Money sufficient to Clean, Adorn and Beautify the said Square, and to continue the same in Repair.

WHEREAS a great Square Place or Piece of Ground, called by the Name of *St. James's Square*, in the Parish of *St. James's Westminster*, encompassed on the East, North and West Parts thereof, with Principal or Capital Buildings, and on the South Part by the Back of the North-Row of Houses in *Pall Mall Street*, doth now lie, and hath for some Years past lain rude, waste, uncleanly, and in great Disorder, and Encroachments are made thereon:

AND whereas many of the said Inhabitants of the said Houses on the East, North and West Parts of the said Square, are also Owners and Proprietors of such Houses, and they and the rest of the said Inhabitants are much dissatisfied with the ill Condition of the said Square, and are desirous to clean, repair, adorn and beautify the same, in a becoming and graceful Manner, and humble pray that an Adequate Contribution may be for that Purpose raised by and amongst themselves:

WHEREFORE, at the humble Suit and Request of the said Inhabitants, and to the end that so laudable a Purpose may be carried into Execution, BE IT ENACTED by the King's most excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons in this present Parliament Assembled, and by the Authority of the same, That

shall be Trustees for putting this A&T in Execution, and that they or any 3 or more of them, shall have Power and Authority, and they are hereby accordingly authorized, to clean, repair, or otherwise adorn and beautify the said Square, called St. James's Square, and from time to time to continue the same cleaned, repaired, or otherwise adorned and beautified in such Manner as they shall think fit; so as the doing and finishing the same, and the continuing the same in Repair when finished, do not exceed such Rate or Rates as is or are for that Purpose herein after limited or appointed.

AND it is hereby further Enacted, by the Authority aforesaid, that it shall and may be lawful to and for the said Trustees, or any 3 or more of them, to dig, cart, and carry away, or cause to be dug, carted, and carried away, such Soil or Earth within the said Square, and to bring in fresh Gravel, Stone, and other Materials, and to employ such Artificers, Workmen, Labourers and Carters, and such Collectors, Supervisors, Receivers and others, and to issue such Money on those Accounts, and to do all and every such other Acts and Things, as the said Trustees, or any 3 or more of them, shall judge necessary or conducive to the accomplishing the End and Design aforesaid; and that it shall and may be lawful to and for the said Trustees, or any 3 or more of them, not only to remove, but to prevent all and all Manner of Annoyances by Filth, Dung, Ashes, Rubbish, or otherwise, laid or cast, or intended to be laid or cast, in or upon the said Square; as also to put down, remove and abate all Incroachments, that now are, or hereafter shall be had or made on the same, and to issue a Precept to the Sheriff to that Purpose, who is hereby required and impowered to execute the same. And if any Person or Persons shall, from and after the 1st Day of May 26 in any wife annoy the said Square

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may 1723 now next ensuing, make or continue any Incroachment upon the
said Square or any Part thereof, every such Offender and Offenders - 302 -
And to the End that the said Trustees may be enabled to clean, repair, or otherwise adorn and beau-
tify the said Square, called St. James's Square, and to continue the same in such Repair, and to
defray the necessary Charges and Expences of passing this Act;

BE it Enacted, by the Authority aforesaid, that from and after the ^{1st} Day of May in the Year of our Lord there shall at all Times hereafter be raised, levied, colle-

there shall at all Times hereafter be raised, levied, collected by, and paid unto the said Trustees, and the Survivors of them, and to such other Trustees as shall or may be elected or chosen in their Stead, by vertue of the Authority hereafter given to that Purpose, or by and to such Person as shall be by them thereunto appointed, a proportionall Rate or Duty, at the Discretion of the said Trustees, or the major part - of them, not exceeding 10 Mill - 40 Cent per Acre (in the said Town of New Bedford) for the said

not exceeding 10' shall be paid for 2 feet line and shall be charged to the
square on the above mentioned East North & right side of the square
subject to and chargeable with such Sum or Sums of Money as shall be advanced, borrowed,
raised or received, as is hereafter mentioned or appointed; which Rates not exceeding 10' shall
be paid by the respective Tenants and Occupiers of the said
Houses, for the Time being, on the said East, North and West Parts of the said Square, to the
said Trustees, or the person or persons of them, or to such Person as shall be by them appointed.

the first Payment whereof to Com-
mence on the Feast Day of 1st day of August in the Year of our Lord

Which Sums of Money, when so collected and received, shall be applied and applicable to the cleaning, repairing, or otherwise adorning and beautifying the said Square.

Square, and to the continuing the same in such Repair, and to the defraying the necessary Charges and Expences of Passing this Act.

AND it is hereby further Enacted, that in case it shall so happen, that the said Houses, or any of them, shall at any time; from and after the said 1st of May Day of *May* stand and be empty, untenanted or unoccupied, or shall be occupied by any Ambassador or Minister from any Foreign Prince or State, that then, and in every such case, the said Rate or Duty of 10 shill. 4 pence or such other Rates as may be assessed by virtue of this Act, which otherwise should have been paid by the Inhabitants or Occupiers of such Houses, shall be paid by the Landlords, Owners or Proprietors of the same.

AND be it further Enacted, by the Authority aforesaid, that in case any Difference shall arise concerning all or any the Rates, Assessments, or measuring the Feet of the Front Lines of the said Houses, that then the said Trustees, or any 3 or more of them, shall have full Power at any Time, within 10 Days after Complaint made thereof, to hear and finally determine the Matter of such Complaint, so as such Complaint be made in Writing, within 3 Days after such Assessment made, or Cause of Complaint accrued.

AND be it further Enacted by the Authority aforesaid, that the said Trustees, or any 5 or more of them, shall meet together at 12 o'clock on or before the 29th Day of April in the Year of our Lord 1726 and shall then adjourn themselves to such Time and Place as they shall think fit; and the said Trustees, or any 5 or more of them, shall meet together at the said 11 o'clock on the 3rd of May, Day of April in every Year, and adjourn as aforesaid: And the said Trustees, or any 3 or more of them, may meet at any other Time or Place as often as it shall be necessary for putting this Act in Execution. Notice being left in Writing, at the House of each of the said Trustees, of the Time and Place of such Meeting.

AND be it further Enacted, by the Authority aforesaid, that they the said Trustees, and any 7 or more of them, shall and may, at their first or any other Meeting, by Writing under their Hands and Seals, chuse and appoint a fit Person from time to time to be a Collector, and another fit Person to be a Receiver, of such Monies as shall be due and payable by virtue of this Act.

AND be it further Enacted, by the Authority aforesaid, that the said Collector so to be appointed as aforesaid, shall from time to time fairly enter in one or more Book or Books, to be kept for that Purpose, an and every Sum and Sums of Money which he shall Collect by virtue of this Act, with the respective Times of his receiving the same; and shall upon Oath (if thereunto required by the said Trustees, or any 3 or more of them) before one or more of His Majesty's Justices of the Peace for the City of Westminster, or the Liberty thereof, (which Oath such Justice or Justices is and are hereby impow'd to Administer) give in a true, exact, and perfect Account in Writing under his Hand, of all Monies which he shall have Collected, Paid, or Disbursed, by reason of his said Office, for which Oath no Fee or Reward shall be taken; and the same may be taken in Writing, without any Stamp thereon.

AND it is hereby further Enacted, that such Monies as shall be or remain in the Hands of the said Collector, shall at every Meeting of the said Trustees be paid by the said Collector to the said Trustees, or to any 3 or more of them, or to such Person or Persons as they or any 3 or more of them shall by Writing under their Hands authorize and impower to receive the same, to the Intent that the same may be applied, laid out, and disbursed, for the Purposes in this Act: of which Sums of Money so laid out and disbursed, due and regular Entries shall be from time to time made in a Book or Books, to be kept for that Purpose.

AND be it further Enacted, that all and every Person and Persons, appointed by the said Trustees, or any 3 or more of them, to receive the Money so Collected and to be Collected as aforesaid, shall in like manner keep a due and regular Account of the same, and shall upon such Oath, if so required before such Justice or Justices as above enacted, with respect to such Collector as aforesaid, (who are hereby impow'd to Administer such Oath) give in a true and perfect Account in Writing, under his and their Hands, of all Monies by him or them received, or paid, by reason of his or their respective Offices, for which Oath no Fee shall be taken; and the same may be taken in Writing, without a Stamp thereon.

AND be it further Enacted, by the Authority aforesaid, that if any such Collector shall neglect or refuse to account for and pay any Sum or Sums of Money by him Collected, to the said Trustees, or any 3 or more of them, or to such Person or Persons, as they, or any 3 or more of them shall, by Writing under their Hands, authorize and impower to receive the same, (being thereunto required by the said Trustees, or any 3 or more of them as aforesaid) and if any Person or Persons, who shall be Impow'd by the said Trustees as aforesaid to receive any Sum or Sums of Money, Collected by virtue of this Act, to be laid out and disbursed for the Purposes aforesaid, shall not account in respect thereof, as aforesaid, or shall misapply any Part of the Money, so by him or them received, or shall not pay the same as the said Trustees or any 3 or more of them shall direct, that then it shall be lawful to and for the Justices of, and for the said City of Westminster, or the Liberties thereof, at a Special Sessions to be held for the same, to enquire of and concerning such Neglects, Refusals, Misapplications, Non-Payments, and Offences, as well by the Confession of the said Parties, as by the Testimony upon Oath of one or more credible Witnesses or Witnesses, (which Oath such Justices are hereby authorized and required to Administer, without Fee or Reward) And if any Person or Persons shall be convicted by the said Justices, of any such Neglect, Refusal, Non-Payment, Misapplication, or Offence, then the said Justices shall, upon such Conviction, cause such Person or Persons to be imprisoned, and to pay the same to the said Trustees, or to such Person or Persons as they shall direct.

AND be it further Enacted, by the Authority aforesaid, that if any Person or Persons shall at any time or times neglect or refuse to pay the respective Rates or Sums of Money, by this Act required and enacted to be paid, after Demand made of the same, it shall and may be lawful for the said Trustees, or any 3 or more of them, under their Hands and Seals, to direct and appoint such Collector, with the Assistance of a Constable, (who is hereby required to be Aiding and Assisting to such Collector) to enter into the dwelling of such Person or Persons as shall make Default in Payment of the Sums of Money, by him or them payable -

in such House or Houses
And in case the Inhabitant or Owner of the Goods or Chattels
shall not within

that then after

AND be it further Enacted, by the Authority aforesaid, that upon any rescous or tortious taking away, or forcible detention of ~~any goods or chattels~~ the said Trustees, or any 3 — or more of them, or the said Collector, shall and may in a special Action on the Case, recover ~~the said damages & costs of suit~~ against the Offender or Offenders, in any such rescous, tortious taking away, or forcible Detainer. And for want of ~~recovery~~

then it shall and may be lawful to and for the said Trustees, or any or more of them, in their Names, or if such Trustees, or any 3 — or more of them so think fit, in the Name of the Collector by them appointed, but for the Use or Uses in this Act, to Commence or Prosecute ~~me or more~~

Action or Actions at Law upon the Case, or in Debt, against any Person or Persons so refusing or neglecting to pay the Money payable by virtue of this Act, and shall, and may, upon such Action or Actions, recover the Money so due and payable: And moreover, if a Verdict or Judgment passes for the Plaintiff, or in case a Replevin is brought upon any such Distress, as aforesaid, and a Verdict or Judgment passes, or is rendered against the Person or Persons, suing forth or taking out such Replevin, that then, and in each of the Cases aforesaid, the Person or Persons against whom such Verdict or Judgment shall pass, shall pay ~~the said damages & costs of suit~~ And in case any such Action shall be brought in the Name of the Collector, the same shall be proceeded upon, and not discontinued, vacated or discharged, but by and with the Consent of the said Trustees, or the ~~major~~ of them: Provided always, and it is hereby Enacted, ~~that any distress shall be made~~

where no Money shall appear to be due, or if any Action be brought against any Inhabitant, or Occupier of any of the said Houses, and the Plaintiff or Plaintiffs therein named shall be nonsuited, or discontinue his or their Action, or a Verdict or Judgment pass against him or them, that then, and in every such Case, the Person injured ~~by such distress~~ or Action, shall have and receive ~~the said damages & costs of suit~~

AND be it further Enacted, by the Authority aforesaid, that the Inhabitants and Occupiers of the respective Houses of the said East, West, and North Parts of the said Square, from and after the said ~~1st~~ Day of ~~May~~, shall be, by Reason of their Paying the several Sums of Money hereby required to be paid, fully and effectually discharged and exonerated from paying any other Rates, Assessments or Taxes that may or can be Assessed upon them or any of them, for or by Reason or in respect of their respective Dwellinghouses, or their Appurtenances or any Part thereof, to the Scavengers Rate of the Ward or Wards, Districts or Divisions in which the said Square stands and is situate.

AND forasmuch as the Moneys to be collected Yearly for the Purposes in this Act, will not at Present raise such a Stock or Sum of Money as may be sufficient for the speedy cleaning, repairing, or otherwise adorning and beautifying the said Square, and for defraying the Reasonable Charges in and about passing this Act, it is hereby further Enacted by the Authority aforesaid, that it shall and may be lawful to and for the said Inhabitants, or any of them, or any other Person or Persons, to advance and pay to the said Trustees, or ~~any~~ of them, or to their Receiver, at or before the respective Days and Times in this Act limited in that behalf, any Sum or Sums of Money, not exceeding in the whole the Sum of ~~6000~~ for the Absolute Purchase of any certain Annuity or Annuities, to be paid and payable during the full Term of ~~32~~ Years, to be reckon'd from which certain Annuities shall be computed at the Rate of ~~per Annum~~, for every ~~and proportionably~~ for any greater or less Sums so to be advanced or paid, and the Purchase Money for every such Annuity at the Rate aforesaid is hereby appointed to be paid to the said Trustees, or ~~any~~ of them, or to their Receiver, at or before the respective Days and Times hereafter limited, (that is to say) one ~~thereof~~ thereof on or before ~~and~~ thereof on or before

all which Annuities so to be Purchased, shall be paid and payable at by even and equal Portions. The first Payment thereof to be due at the Feast of ~~which shall be in the Year of our Lord~~

AND it is hereby further Enacted, that the said Sums received by the said Trustees, or their Receiver, for such Annuities as aforesaid, shall be applied and disposed of as the Sums to be collected and receiv'd from the Inhabitants and Occupiers of the said Houses should have been applied and disposed of by virtue of this Act, if such Annuities had not been taken thereout. And to the intent that the said Annuities may be effectually secured and duly and regularly paid, it is hereby further Enacted, by the Authority aforesaid, that the said Trustees, shall cause proper Books to be kept for the Registering the Sums of Money paid and advanced for the Purchasing of the said Annuities, wherein the said Trustees shall from time to time cause to be made due, and regular Entries of the Sums paid, the Times when paid, and the Names of the Persons paying the same. And the said Trustees, or the ~~major part~~ of them, shall by proper Instruments or Deeds under their Hands and Seals grant such Annuities issuing out of such Yearly Rates, for such Principal Sums as aforesaid; and the respective Yearly Rate, Sum and Sums of Money hereby Enacted, and required to be paid by the Inhabitants and Occupiers of the Houses aforesaid, shall be Charged and Chargeable, in the first Place, with and for the Payment of such Annuities, and all Arrears thereof, from time to time, and shall vest in the Annuitants upon Default of Payment of such Annuities, till the same shall be fully paid and satisfied, together with Interest, and the Costs and Charges occasioned by Nonpayment of the same. And the said Annuitants, in case there shall be any Arrear of the said Annuities, and until full Payment thereof with Interest and Charges as aforesaid, shall have the same Power, Rights and Privileges of

AND it is hereby further Enacted, that the said Annuities shall be deemed Personal Estates, and shall and may be Assignable and Transferrable by Indorsement or otherwise, to any Person or Persons whatsoever; and the Person or Persons to whom such Transfer or Assignment is made, from and after the Time that the same is Entred in a Book or Books to be kept for that Purpose, by or by the Order of the said Trustees, shall be well and sufficiently Entitled to such Annuity or Annuities, and to all Moneys due and to grow due thereon.

AND it is hereby further Enacted, that such Assignee or Assignees, and every after Assignee and Assignees, shall and may in like Manner, by Indorsement or otherwise, Transfer, Assign, and make Over the said Annuity or Annuities so assigned as aforesaid, and so *toties quoties*, as occasion shall require. And it shall not afterwards be in the Power of any Person or Persons, who have made any such Assignment or Assignments, to Revoke or make Void the same. And such Annuities also shall and may be devisable by the Will of the respective Owners of the same; and the same shall be free and exempt from all Parliamentary or other Taxes, Duties, Rates and Assessments whatsoever.

AND be it further Enacted, by the Authority aforesaid, that if any Suit shall be commenced against any Person or Persons, for any thing done in pursuance of this Act, that in every such Case the Defendant or Defendants in such Action or Actions to be brought, may plead the General Issue, and give this Act and the Special Matter in Evidence at any Tryal to be had thereupon, and that the same was done in Pursuance and by the Authority of this Act. And if it shall appear so to be done, that then the Jury shall find for the Defendant or Defendants, and upon such Verdict, or if the Plaintiff shall be nonsuited or discontinue his Action after the Defendant or Defendants shall have appeared, or if upon Demurrer Judgment shall be given against the Plaintiff, the Defendant or Defendants shall and may recover and have the like Remedy for the same, as any Defendant or Defendants hath or have in any other Cases by Law.

AND be it further Enacted, by the Authority aforesaid, that for the continuing of a sufficient Number of fit and able Persons to be Trustees for putting this Act in Execution, it shall and may be lawful to and for the said Trustees, or of them, upon the Death or Removal of any, of the said Trustees to meet, (due Notice being given of such Meeting as aforesaid) and by any Writing or Writings under their Hands and Seals, or under the Hands and Seals of of them, from time to time, and at all times hereafter, to Elect, Nominate, and Appoint in the Room of such Trustee or Trustees so deceased or removed, so many more fit and able Persons, being of any of the Houses in the aforesaid three Lines of the said Square, to be joined with them in the Execution of all and every the Powers and Trusts in them reposed, by vertue or in Pursuance of this Act, as they shall think fit. And all and every Person and Persons to be chosen as aforesaid, shall have the same Rights and Privileges, and shall and may, and they are hereby Impower'd, to Act to all Intents and Purposes in as full, large, and ample Manner, as the Trustees in this Act nominated and appointed are Impowered to Act, and so *toties quoties* as often as occasion shall be or require.

AND be it Enacted, by the Authority aforesaid, that this Act shall be deemed and taken to be a Publick Act, and all Judges and Justices are hereby required to take Notice of the same as such.



To Enable the Present and Future Inhabitants of the East, North, and West Sides or Lines of St. James's Square, to make a Rate on themselves, for raising Money sufficient to Clean, Adorn, and Beautify the said Square, and to continue the same in Repair.

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habituants.

